

1 LYSSA S. ANDERSON
2 Nevada Bar No. 5781
3 RYAN W. DANIELS
4 Nevada Bar No. 13094
5 KAEMPFER CROWELL
6 1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Fax: (702) 796-7181
landerson@kcnvlaw.com
rdaniels@kcnvlaw.com

7 **Attorneys for Defendants**
8 **LAS VEGAS METROPOLITAN POLICE**
DEPARTMENT and SHERIFF DOUGLAS
GILLESPIE

9
10 UNITED STATES DISTRICT COURT
11 DISTRICT OF NEVADA

12 HARVESTER HARRIS,
13 Plaintiff,
vs.

14 CITY OF HENDERSON; a political
subdivision of the State of Nevada; LAS
15 VEGAS METROPOLITAN POLICE
DEPARTMENT, a political subdivision of the
State of Nevada; SHERIFF DOUG
16 GILLESPIE, individually; CHIEF PATRICK
MOERS, individually; OFFICER SCOTT
NIELSON, P#4408, individually;
17 DETECTIVE PERDUE, individually; DOE
OFFICERS III-X; and JOHN DOES I-X,
inclusive,

18
19 Defendants.
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21 Case No. 2:15-cv-00337-GMN-PAL

22 **STIPULATION TO EXTEND**
DISCOVERY

23 (First Request)

24 IT IS HEREBY STIPULATED AND AGREED between the parties that the discovery
cut-off date of November 2, 2015, be continued for a period of ninety (90) days up to and
including February 1, 2016, for the purpose of allowing newly named Defendants to be served

1 with the Amended Complaint and respond to the Amended Complaint; for the parties to
 2 complete written discovery in this matter; for the parties to disclose expert witnesses; and for the
 3 parties take several depositions of the parties and witnesses.

4 **DISCOVERY COMPLETED TO DATE**

5 Defendants, LAS VEGAS METROPOLITAN POLICE DEPARTMENT and SHERIFF
 6 DOUGLAS GILLESPIE, ("LVMPD Defendants") have produced their initial Rule 26(f)
 7 Disclosures to HARVESTER HARRIS ("Plaintiff"). Likewise, Plaintiff has provided his
 8 Disclosures to all Defendants. LVMPD Defendants have also produced their First Supplemental
 9 Disclosure to the parties as well.

10 LVMPD Defendants have served written discovery on Plaintiff, which responses are due
 11 September 3, 2015.

12 **DISCOVERY YET TO BE COMPLETED**

13 Additional written discovery will likely be served by the parties. The parties will conduct
 14 depositions, including but not limited to the depositions of Plaintiffs, the individual Defendants,
 15 Rule 30(b)(6) witnesses, expert witnesses and rebuttal expert witnesses.

16 The parties will be disclosing expert witness and rebuttal expert witness reports.

17 **REASONS WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

18 As shown above, the parties have been diligent in conducting discovery in this matter.
 19 Based upon the disclosures of the parties, Plaintiff was able to ascertain the proper names of the
 20 DOE Officer Defendants. The parties stipulated to Plaintiff's amendment of the Complaint to
 21 allow the individual Officers to be named. The Amended Complaint was filed and served upon
 22 existing Defendants on August 10, 2015. The existing Defendants will be responding to the
 23 Amended Complaint on or before August 27, 2015. Plaintiff will be serving the newly named
 24 Defendants via personal service. The newly named Defendants will then need to respond to the

1 | Amended Complaint.

The current deadline to complete discovery in this matter pursuant to the Scheduling Order in place is November 2, 2015. [Docket No. 23]. The deadline to disclose expert witnesses is September 3, 2015. As the newly named Defendants have not yet been served, their responses to the Amended Complaint will not be due until after the deadline to disclose expert witnesses. In light of the Amended Complaint, the scope of discovery will now change based upon the newly named Defendants. For example, it will now be necessary for LVMPD Defendants to disclose Detective Scott Nielson's training logs and pertinent portions of his personnel file. It is likely Plaintiff will serve written discovery on Detective Nielson and that Detective Nielson will serve written discovery on Plaintiff. In addition, discovery related to Detective Nielson and Detective Purdue will be relevant to any expert's report. As such, based upon the Amended Complaint and new Defendants being named, it is necessary for additional time to conduct discovery in this matter.

PROPOSED EXTENDED DEADLINES

15 Accordingly, it is hereby stipulated and respectfully requested that this Court enter an
16 order as follows:

(A) Discovery Deadline.

That the current discovery cut-off date of November 2, 2015, be extended for a period of ninety (90) days, up to and including February 1, 2016.

(B) Experts and Rebuttal Experts.

21 The parties, and each of them, shall disclose their experts to each other at least sixty (60)
22 days before the discovery cut-off date, or by December 3, 2015. The parties, and each of them,
23 shall disclose rebuttal experts at least thirty (30) days after the initial date for disclosure of
24 experts, or by January 4, 2016.

1 **(C) Dispositive Motions.**

2 All pretrial motions, including but not limited to, discovery motions, motions to dismiss,
3 motions for summary judgment, and all other dispositive motions shall be filed and served no
4 later than thirty (30) days after the close of discovery, which is by March 3, 2016.

5 **(D) Motions in Limine/Daubert Motions.**

6 Under LR 16-3(b), any motions in limine, including Daubert type motions, shall be filed
7 and served thirty (30) days prior to the commencement of Trial. Oppositions shall be filed and
8 served and the motion submitted for decision fourteen (14) days thereafter. Reply briefs will be
9 allowed only with leave of the Court.

10 **(E) Pretrial Order.**

11 Pursuant to LR 26(1)(e)(5) the Joint Pretrial Order shall be filed with this Court no later
12 than thirty (30) days after the date set for filing dispositive motions, which shall be by April 2,
13 2016, unless dispositive motions are filed, in which case the date for filing the Joint Pretrial
14 Order shall be suspended until thirty (30) days after the decision on the dispositive motions or
15 further order of this Court. The disclosures required by Fed. R. Civ. P. 26(a)(3) and any
16 objections shall be included in the final pretrial order.

17 **(F) Interim Status Report.**

18 In accordance with LR 26-3, not later than sixty (60) days before the discovery cut-off,
19 the parties shall submit an interim status report stating the time they estimate will be required for
20 trial giving three (3) alternative available trial dates, and stating whether in the opinion of
21 counsel who will try the case, trial will be eliminated or its length affected by substantive
22 motions. The status report shall be signed by counsel for each party or the party, if appearing in
23 *pro se*. The parties shall file the interim status report by December 3, 2015.

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1 **(G) Extensions or Modification of the Discovery Plan and Scheduling Order.**

2 In accordance with LR 26-4, applications to extend any date set by the discovery plan,
3 scheduling order, or other order must, in addition to satisfying the requirements of LR 6-1, be
4 supported by a showing of good cause for the extension. All motions or stipulations to extend a
5 deadline set forth in a discovery plan shall be received by the Court not later than twenty-one
6 (21) days before the expiration of the subject deadline. A request made after the expiration of
7 the subject deadline shall not be granted unless the movant demonstrates that the failure to set
8 was the result of excusable neglect. Any motion or stipulation to extend a deadline or to reopen
9 discovery shall include:

- 10 (a) A statement specifying the discovery completed;
11 (b) A specific description of the discovery that remains to be completed;
12 (c) The reasons why the deadline was not satisfied or the remaining discovery was
13 not completed within the time limits set by the discovery plan; and
14 (d) A proposed schedule for completing all discovery.

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1 This extension request is made in good faith, jointly by the parties, to allow them to
2 complete discovery necessary to the claims and defenses in this matter. This request is timely
3 pursuant to LR 26-4. Trial in this matter has not yet been set and dispositive motions have not
4 yet been filed. As such, this extension will not delay this case. Moreover, since this request is a
5 joint request, neither party will be prejudiced. In fact, the extension will benefit the parties in
6 allowing them to properly litigate their case.

7 DATED this 13th day of August, 2015.

8 KAEMPFER CROWELL

9 By: /s/ Lyssa S. Anderson
LYSSA S. ANDERSON
10 Nevada Bar No. 5781
1980 Festival Plaza Drive, #650
Las Vegas, Nevada 89135
Attorneys for Defendants

12 HENDERSON CITY ATTORNEY

13 By: /s/ Nancy D. Savage
Josh M. Reid, Esq.
14 Nevada Bar No. 7497
Nancy D. Savage, Esq.
15 Nevada Bar No. 392
240 Water Street, MSC 144
Henderson, NV 89015
Attorneys for Defendants

By: /s/ C.J. Potter, IV
C.J. Potter, IV, Esq.
Nevada Bar No. 13225
POTTER LAW OFFICES
1125 Shadow Lane
Las Vegas, NV 89102

Jay A. Kenyon, Esq.
Nevada Bar No. 6376
YAN KENYON
7881 W. Charleston Blvd., #165
Las Vegas, NV 89117
Attorney for Plaintiffs

18 **IT IS SO ORDERED.**

19 DATED this 18th day of August, 2015.

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23 UNITED STATES MAGISTRATE JUDGE
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